

FILED ENTERED HONORABLE BARBARA J. ROTHSTEIN
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MAY 21 2004

AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
BY DE



01-MD-01407-ORD

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

IN RE, Phenylpropanolamine (PPA) Products
Liability Litigation

No. MDL 1407

This document relates to the actions
listed on Attachment A

~~[PROPOSED]~~ ORDER OF
DISMISSAL WITH PREJUDICE

THIS MATTER came before the Court on the Motion for Dismissal with Prejudice of Defendants, Novartis Consumer Health and Novartis Pharmaceuticals Corporation, from the above-entitled action pursuant to Case Management Orders Nos. 13 and 13A. Having reviewed the statement of counsel of record for Defendants that the Plaintiff Fact Sheet, if any, and/or the Original Affirmation or the Amended Affirmation submitted by the plaintiffs pursuant to Case Management Order No. 13, contain no allegations that ingestion


[PROPOSED] ORDER OF DISMISSAL WITH
PREJUDICE - 1
Case No. MDL 1407

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1 of the Defendants' product(s) contributed to plaintiffs' alleged injuries, and the Plaintiffs
2 having submitted no opposition within 10 days, the Court finds that the Plaintiffs listed on
3 Attachment A hereto have not alleged injury based upon the ingestion of a PPA-containing
4 product manufactured and/or distributed by Defendants Novartis Consumer Health and
5 Novartis Pharmaceuticals Corporation.

6
7 IT IS HEREBY ORDERED that all remaining claims in the actions asserted by
8 Plaintiffs listed on Attachment A hereto, and by anyone suing by, through or under them,
9 including, but not limited to, any loss of consortium claims, against Defendants Novartis
10 Consumer Health and Novartis Pharmaceuticals Corporation, only, are hereby dismissed
11 with prejudice pursuant to Federal Rule of Civil Procedure 41. The parties shall bear their
12 own attorney's fees and costs.

13
14 DATED this 22nd day of May 2004.

15
16 
17 Barbara J. Rothstein
18 United States District Judge

19 Presented by:

20 LANE POWELL SPEARS LUBERSKY LLP
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24 [PROPOSED] ORDER OF DISMISSAL WITH
25 PREJUDICE - 2
26 Case No. MDL 1407

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Attachment A
to
CMQ 13 Order (10/14/03)
(Rev. 5/12/04)

<u>MDL Docket No.</u>	<u>District Ct. Cause No.</u>	<u>Case Name</u>	<u>Plaintiff Name</u>	<u>Novartis Defendant(s)</u>
C02-2159	5:02cv55	<i>Jose A. Gonzalez and spouse Martha Gonzalez vs. American Home Products Corp., et al.</i>	Jose A. Gonzalez	Novartis Consumer Health, Novartis Pharmaceuticals Corp.
C03-1438	3:02-CV-2737R	<i>Lynne Grant and spouse Dennis Essary vs. Advocare International, LLC, et al.</i>	Lynne Grant	Novartis Consumer Health, Novartis Pharmaceuticals Corp.
C03-2750	3:03CV0287-D	<i>Evelyn McCann and spouse Lovorn McCann vs. Advocare International, LLC, et al.</i>	Evelyn McCann	Novartis Consumer Health, Novartis Pharmaceuticals Corp.
C03-1437	3:02-CV-2733-L	<i>Selia Luz Rodriguez vs. Advocare International, LLC, et al.</i>	Selia Luz Rodriguez	Novartis Consumer Health, Novartis Pharmaceuticals Corp.
C03-2751	03-CV-482	<i>Tommy Trahan et al. vs. Advocare International LLC, et al.</i>	Tommy Trahan and spouse Christina Trahan	Novartis Consumer Health, Novartis Pharmaceuticals Corp.